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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/660,963	09/12/2003	Terry O'Halloran	6600-20	6345
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DARBY & DARBY PC P.O. BOX 770 CHURCH STREET STATION NEW YORK, NY 10005-0770			EXAMINER HOEL, MATTHEW D	
			ART UNIT 3714	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/660,963

Applicant(s)

O'HALLORAN, TERRY

Examiner

Matthew D. Hoel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                                                                  |                                                                                         |
|----------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                                      | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                             | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>7/17/07</u> . | 6) <input type="checkbox"/> Other: _____                                                |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 7-9, 11-15 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Hagiwara US Patent 4,805,907.
3. Regarding at least claims 1, 7, 9, 12, 15 and 17, Hagiwara discloses a processor that determines the result of a slot machine game having actual or simulated reels, Fig 1 & Col 3 Lines 28-31; at processor controlled times or time intervals (i.e. every 50 seconds), Col 2 Lines 52-61, a plurality of terminals (subordinate machines) that are each physically separate from the main processor, Fig 1 Item 9a-c, Fig 2, communicatively linked, Fig 1 Items 3, 4a-c,5; the outcome at each terminal is solely dependent on a single communal (common) result determined by the processor Col 3 Lines 28-31. All players' winnings are based on the single result displayed on the main display.
4. Regarding at least claim 2, Hagiwara discloses that that coins will be paid out based on a preset payment rate Col 1 Lines 43-52 to each subordinate machine based on the bet placed at each machine and the single communal (common) result on the main display. Col 3 Lines 16-31.

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5. Regarding at least claims 3, 8 and 13, Hagiwara discloses the use of at least one display coupled to a processor to display the communal result, Fig 1 item 6, Fig 2 Item 1.

6. Regarding at least claim 14, Hagiwara discloses that each terminal, Fig 1 9a-c, has its own display, Fig 1 Items 7a-c, that displays the communal result, Col 2 Lines 3.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

1. Claims 7 to 9 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over '907 in view of Acres, et al. (U.S. patent 5,876,284 A).

9. Regarding at least claim 7, Hagiwara discloses a processor that determines the result of a slot machine game having actual or simulated reels, Fig 1 & Col 3 Lines 28-

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31; at processor controlled times or time intervals (i.e. every 50 seconds), Col 2 Lines 52-61, a plurality of terminals (subordinate machines) that are each physically separate from the main processor, Fig 1 Item 9a-c, Fig 2, communicatively linked, Fig 1 Items 3, 4a-c,5; the outcome at each terminal is solely dependent on a single communal (common) result determined by the processor Col 3 Lines 28-31. All players' winnings are based on the single result displayed on the main display.

10. Regarding at least claim 11, Hagiwara discloses that players only make wagers at respective terminals 7a-c in figure 1, whether or not wagers have been made at all terminals they still display the communal result. Col 2 Lines 44-64. So the reels will spin and stop regardless of the number of subordinate machines actively being wagered on; payments are based on wager at each individual terminal, Col 3 Lines 7-31.

11. As to the new limitations of Claims 7 and 11 with the limitation of the intervals being controlled solely by the processor, this is anticipated by Acres, et al. (U.S. patent 5,876,284 A; in Figs. 36-38, 39:61-42:33). This limitation is anticipated by '284 (item 610, Fig. 36 and 40:38-60). In this limitation, the length of the display mode is not determined by how much the player has bet. The applicants' invention as argued, but not as claimed, would merely keep the attract mode with repeated spins of the reels going, allowing a player or players to bet on the spins of the reels at any time. This would have been obvious to one of ordinary skill in the art at the time the invention was made. Hagiwara ('907), the main reference teaches a demonstration or attract mode in 2:43-50 in which the reels spins repeatedly until the player makes a bet. The modification of '907 with the above-cited limitation of '284 would result in a game in

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which the player can bet on the spins of the demonstration or attract mode at any time without any interruption to the spins of the reels ('284 teaches game starting after 30 or 50 seconds, 2:55-61). The advantage of this combination would be to provide a seamless crossover from the display mode to the attract mode once a player has bet on the spin of the reels. This would have the advantage of consistency between the game played and the attract mode.

12. Regarding at least claim 8, Hagiwara discloses the use of at least one display coupled to a processor to display the communal result, Fig 1 item 6, Fig 2 Item 1.

13. Regarding at least claim 9, Hagiwara discloses a processor that determines the result of a slot machine game having actual or simulated reels, Fig 1 & Col 3 Lines 28-31; at processor controlled times or time intervals (i.e. every 50 seconds), Col 2 Lines 52-61, a plurality of terminals (subordinate machines) that are each physically separate from the main processor, Fig 1 Item 9a-c, Fig 2, communicatively linked, Fig 1 Items 3, 4a-c,5; the outcome at each terminal is solely dependent on a single communal (common) result determined by the processor Col 3 Lines 28-31. All players' winnings are based on the single result displayed on the main display.

14. Regarding at least claim 11, Hagiwara discloses that players only make wagers at respective terminals 7a-c in figure 1, whether or not wagers have been made at all terminals they still display the communal result. Col 2 Lines 44-64. So the reels will spin and stop regardless of the number of subordinate machines actively being wagered on; payments are based on wager at each individual terminal, Col 3 Lines 7-31.

15. Claims 4-6 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hagiwara (US Patent 4,805,907), in view of Bursill (US Patent Publication 2006/0052149).

16. The rejections in view of Hagiwara have been discussed above. Hagiwara discloses assisting the players at each terminal by demonstrating the game, how to play and place wagers. Hagiwara does not explicitly disclose displaying remaining time interval or displaying selected data such as previous communal results.

17. Bursill discloses a different communal game of chance, roulette. In one embodiment of the Bursill players remotely join in a live roulette game. They are provided with a display which shows time remaining until next spin as well as the result of previous spins. Page 3, Paragraph 0046. It further discloses that after the time remaining is up the wheel is set spinning and the clock is reset to wait for the next communal result. Page 3 Paragraph 0048. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the remaining time function and result history function of the Bursill communal game of chance with the Hagiwara game of chance. Bursill discloses that a timing function is used to assist the players with betting. By combining the timing function with the Hagiwara game of chance the players would know how much longer they have to bet as well as know the time remaining to get their co-players to bet furthering the excitement and feeling of togetherness that Hagiwara talks about. Bursill also discloses that game history assists players. By combining the game history function with Hagiwara the players would be able

to better decide whether they wanted to play on these machines as well as how much to bet.

18. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hagiwara (US Patent 4,805,907) and Acres, et al. (U.S. patent 5,876,284 A) in view of Bursill (US Patent Publication 2006/0052149).

19. The rejections in view of Hagiwara have been discussed above. Hagiwara discloses assisting the players at each terminal by demonstrating the game, how to play and place wagers. Hagiwara does not explicitly disclose displaying remaining time interval or displaying selected data such as previous communal results.

20. Bursill discloses a different communal game of chance, roulette. In one embodiment of the Bursill players remotely join in a live roulette game. They are provided with a display which shows time remaining until next spin as well as the result of previous spins. Page 3, Paragraph 0046. It further discloses that after the time remaining is up the wheel is set spinning and the clock is reset to wait for the next communal result. Page 3 Paragraph 0048. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the remaining time function and result history function of the Bursill communal game of chance with the Hagiwara game of chance. Bursill discloses that a timing function is used to assist the players with betting. By combining the timing function with the Hagiwara game of chance the players would know how much longer they have to bet as well as know the time remaining to get their co-players to bet furthering the excitement and feeling of togetherness that Hagiwara talks about. Bursill also discloses that game history assists



players. By combining the game history function with Hagiwara the players would be able to better decide whether they wanted to play on these machines as well as how much to bet.

### ***Response to Arguments***

21. Applicant's arguments filed 7/17/2007 have been fully considered but they are not persuasive. Applicant's first argument is that Hagiwara's games are initiated by coins. Whether or not this is true, it doesn't change the fact that the CPU/Processor in Hagiwara is what is determining the result and at time interval. Secondly Applicant argues that the CPU in the terminal is determining the outcome, making other terminals appear to be dependent upon another terminal and similarly that a player must be using a main machine in order for satellite machines to be engaged. Hagiwara teaches that there is a main CPU/Display/Machine, Fig 1 Item 1, the machine determines one single result and sends that result to the subordinate machine. The subordinate machines are not determining anything other than the individual payout based on individual betting. No player is required to be at the Main machine for the system to operate. On the contrary Hagiwara discloses that all players make wagers at the subordinate machines or terminals.

22. The applicants appear to believe that the system of Hagiwara in which the players are able to bet on any spin of the reels in a game in which the reels are spun at processor-controlled intervals, the intervals not being based on the amount or timing of a player's wager, represents a novel, non-obvious step. Having a spin time of a reel

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determined by processor control does not preclude the spin being initiated by a wager time or a wager amount as outlined in '907 Col. 2. Having the spin time of the reel being determined only by the processor as newly cited in Claims 7 and 11 still is not inventive as outlined above and also in regard to *in re Venner* (MPEP 2144.04 (III), 262 F.2d 91, 95, 120 USPQ 193, 194 (CCPA 1958), automating a manual activity). The applicants' invention from the claim language is merely an attract mode of spinning reels in which the player is able to bet on the spinning of the spinning reels at any time, the spinning or timing of the reels not being dependent on the player's wager. Controlling the spinning of the reels by strictly processor control is obvious for the reasons outlined above.

### ***Citation of Pertinent Prior Art***

2. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Harkham in U.S. pre-grant publication 2002/0094869 A1 teaches multiple remote users able to wager on the same slot machine at a casino.

### ***Conclusion***

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew D. Hoel whose telephone number is (571) 272-5961. The examiner can normally be reached on Mon. to Fri., 8:00 A.M. to 4:30 P.M.

4. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert E. Pezzuto can be reached on (571) 272-6996. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

5. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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